



WEB COPY

Crl.O.P. No.19509 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.08.2023

CORAM :

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

Crl.OP. No.19509 of 2023

A.N.Selvam

.. Petitioner

Vs.

State rep. by
Inspector of Police,
Vigilance & Anti Corruption,
Kanchipuram.

..Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Cr.P.C to call for the records and set aside the order passed on 01.08.2023 in Crl.M.P. No.6222 of 2023 in Spl.C.C. No.4 of 2008 pending on the file of the learned Special Judge/Chief Judicial Magistrate, Kanchipuram District at Chengalpattu.

For Petitioner : Mr.R.Sreedhar
For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner herein was found guilty for offences under Section 7 and 13(1) (d) r/w 13(2) of the Prevention of Corruption Act, 1988 and sentenced to undergo Simple Imprisonment for a period of 2 years and fine of Rs.4,000/- for each of the charges in Spl.C.C. No.4 of 2008 on the



file of the learned (Special Judge/Chief Judicial Magistrate,

Kancheepuram District at Chengalpattu) on 22.12.2019, the period of sentence is ordered to run concurrently.

2. Being aggrieved by the conviction of the trial Court, appeal been preferred in CrI.A. No.127 of 2019 and the same is pending before this Court. The petitioner herein sought for suspension of sentence and the same was ordered by this Court on 06.03.2019. One of the condition thereto that the petitioner shall report before the trial Court on the first working day of every English Calendar month at 10.30 a.m, until further orders and the petitioner complied the said condition till 01.06.2023. He has been meticulously complying the condition and reporting before the trial Court on every month.

3. Learned counsel for the petitioner submits that the petitioner went to Denmark to meet his son and to attend a family function and he planned to return back to India on 01.07.2023 but due to some reschedule of the flight, he returned to India only on 31.07.2023. On 01.07.2023, the petitioner has filed an Application under Section 317 of Cr.P.C to condone his attendance before the trial Court as mandated by the High Court in the appeal order. The trial Court did not entertain this petition and dismissed it.



4. On his return to India, the petitioner has appeared before the trial Court on 01.08.2023 alongwith a memo reporting reasons for his absence on 01.07.2023. The trial Court not convinced with the reasons and dismissed the memo.

5. Learned counsel appearing for the petitioner states that the petitioner be meticulously complying the condition since 01.04.2019. Only on 01.07.2023 was not able to report before the trial Court for the reasons stated and herein after, the petitioner will not leave the country, will comply the condition without fail and if necessary to leave the country, he will intimate the trial Court and get permission before leaving the country.

6. Recording the above said undertaking the petitioner is permitted to sign the condition note on 01.09.2023 and continue to comply the conditions on further dates. Accordingly, this Criminal Original Petition is disposed of.

25.08.2023

Internet : Yes/No

Index: Yes/No

rkp



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Dr.G.JAYACHANDRAN, J.

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To

1. The Special Judge/Chief Judicial Magistrate,
Kanchipuram District at Chengalpattu.
2. The Inspector of Police,
Vigilance & Anti Corruption,
Kanchipuram.
3. The Public Prosecutor,
Madras High Court, Chennai.

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